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BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611			GRAHAM, MATTHEW C	
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 15

Application Number: 09/846, 141

Filing Date: April 30, 2001

Appellant(s): DAILEY ET AL.

RICHARD G. LIONE
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/22/2003.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

Claims 1 and 19-27 have been canceled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 6-24-2003 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 2-18 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4, 138, 141 Andersen 2-6-1979
3, 638, 455 Francois 2-1-1972

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francois in view of Andersen.

Francois shows a fiber-reinforced stabilizer bar comprising successive plies oriented at 40° to 50° (see column 2, lines 15-20) at opposite angles in each plie. These piles equate to +45° -50°. Also note arm 13 having a recess securing the rod. The particular orientation and type of the fibers would have been obvious to one of ordinary skill in the art as a mere matter of choice dependent on the desired spring rate.

The claimed invention differs from Francois only in the use of two bars.

Andersen shows a stabilizer bar having a rod 72 and arms 78, 90.

Re-claim 3, the term light is relative.

Re-claim 4, bushing 68 are considered clamps to the broad degree claims.

Re-claim 5, the use of plugs would have been obvious to one of ordinary skill in the art as an additional securing means in view of the teaching in both Francois and Andersen to use internal connections.

Re-claim 6, the plugs in Andersen are integral.

Re-claim 7, the use of crimping would have been obvious to one of ordinary skill in the art as common method of attachment.

Re-claim 8-14, 17, and 18, note the above discussion of claim 2.

Re-claim 15, Anderson shows a tapered arm in Figure 1A.

Re-claim 16, Francois shows a tubular rod.

(11) Response to Argument

Appellants' arguments appear on pages 5-14 and may be summarized as follows:

- 1.) Francois fails to show a plie at $0^\circ \pm 15^\circ$.
- 2.) There is no motivation for showing a plie of $0^\circ \pm 15^\circ$.
- 3.) No plugs are shown
- 4.) The use of plugs is unobvious.
- 5.) There is no motivation for using two arms.

As to the first argument, it is agreed that Francois doesn't clearly spell out a plie of $0^\circ \pm 15^\circ$.

As to the second argument, anyone of even rudimentary knowledge of forming fiberglass understands that plies are laid successively at different angles so as to increase the strength -- note the suggestion in column 2, lines 15-20 of Francois.

As to the third argument, again the examiner agrees.

As to the fourth argument, reinforcing plugs are well known in any type of connection.

As to the final argument, the use of two arms is shown in Andersen and merely a matter of duplication of parts.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Graham/vs
November 17, 2003

Conferees



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12/30/2003
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